

MEETING #42- November 26

At a Regular Meeting (#1) of the Madison County Board of Supervisors on November 26, 2019 at 6:00 p.m. at the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chair
Amber Foster, Vice-Chair
Jonathon Weakley, Member
Kevin McGhee, Member (*Arrived at 6:13 p.m.*)

Charlotte Hoffman, Member
Jack Hobbs, County Administrator
Sean Gregg, County Attorney
Jacqueline S. Frye, Deputy Clerk

Call to Order, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson noted that a quorum was present.

Chairman Jackson called for additions/corrections to today's Agenda.

Add:

- *Public Comment on the 2nd Amendment Sanctuary Resolution (#2019-19) [Just before regular public comment]*
- *VDOT - Joel DeNunzio [After Special Appearances]*
- *Old Business: Animal Shelter Policy - Greg Cave]*

Supervisor Foster moved that the Agenda be adopted as amended, seconded by Supervisor Hoffman. *Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).*

Public Comment on 2nd Amendment Sanctuary [Resolution #2019-19]

Chairman Jackson advised that the County has received information on the 2nd Amendment Resolution that's being passed in most of rural Virginia; today's edition has been drafted by the County Attorney for review and advisement.

Comments from the Board:

- *Chairman Jackson: Noted that the proposed request concerning the right to bear arms is an American issue (not Democratic or Republican); the proposal will be presented before the Supreme Court for review and advisement; accolades to all who have verbalized their concerns regarding this amendment, and who have taken the time to attend tonight's meeting session.*
- *Supervisor Foster: Noted that she was elected to represent the citizens of Madison County; tonight's resolution will reflect the County's opposition to the unconstitutional request to revoke the 2nd amendment right of the citizens; verbalized favor of tonight's proposed resolution.*
- *Supervisor Hoffman: Feels that the proposed resolution speaks for itself and is something the Board of Supervisors' has to do for the citizens; verbalized favor of tonight's proposed resolution.*

Chairman Jackson opened the floor to the public.

The following individual(s) provided comment(s):

- Waverly Banks (Leon): Was Present and provided accolades to the Madison County Board of Supervisors

regarding tonight's issue, and to the citizens for speaking; feels the proposed second amendment is the most controversial right that the people of American have; without the right to bear arms, American's are most vulnerable, as the right to bear arms is woven into the very fabric of our nation, what it stand for, and what American's believe in; removing the 2nd amendment right is like 'trying to take the sugar out of the cake after all the ingredients have been mixed', as no one would want to remove the sugar from the mix once it has been combined; feels that without the 2nd amendment right, there is no America; feels the proposed amendment regarding the right to bear arms is one that will define this nation for years to come; if the people give up this right and surrender all arms, the blood that was shed for our independence and freedom so long ago will have all been done for nothing; there are many comparisons of how "California handles things", but noted that "California didn't exist when our forefathers were fighting for our independence, "not even gun-toting Texas"; advised that the State of Virginia was and still is the beacon that shines for our freedom; we all know the term that 'if we don't learn from history, it will surely repeat itself'; encouraged the people to not let what led up to 1776 ever happen again, by standing true to what this nation was built on....our constitution and our bill of rights; it's not a statement that we're trying to make, but a responsibility of every American to protect all rights including the 2nd amendment; it's not 'a right or left thing, but an American thing....'; the citizens aren't asking the County spend millions on a project, but asking for our freedom to remain in place; feels the Board understands and is standing with the citizens; requested the Board consider signing tonight's proposed resolution.

- Jim Smith (Brightwood): Was present to speak behalf of the Madison County Republican Committee (of which he is Chair) and encouraged the Board to pass tonight's proposed resolution.
- Kim Smith (Brightwood): Was present to verbalize favor of the proposed resolution; thanked the Board of Supervisors for standing up for the constitution and the 2nd amendment right is what ensures Americas' freedom.
- Colleen Stevens (Brightwood): Was present to thank the Board of Supervisors for the opportunity to speak; feels that the constitution doesn't give us our right, but protects our rights; referred to the following statistics:
- 2018: 400,000 concealed permits in the State of Virginia (are probably a lot more now); there are hundreds of thousands of hunting licenses issued within the state of Virginia, with all these people having passed background checks and have taken hunting/firearm courses; the proposed bill will take away second amendment rights for these upstanding citizens, but will not stop one single mass shooting from taking place; statistics prove that legal gun owners are less likely to commit such crimes within society; we can't allow Governor Northam and his constituents to infringe upon our second amendments rights to bear arms; red flag laws have been passed in fifteen (15) states and the District of Columbia, but these red flag laws can be abused, which is how it all starts; reiterated the right to keep and bear arms is a right to protect individual liberty from the act of domestic threats and against a tyrannical government; former President Thomas Jefferson viewed the second amendment right as 'one that would not be needed until they try to take it...' and starts with disarming citizens (i.e. 1911 Turkey 1.5M Armenians were murdered after disarming citizens; 1929 Russian \$1,000,000 Russians; 1935 China 20,000,000 murdered; 1938 Germany - 1,600,000 Jews murdered; 1956 Cambodia - 1,000,000 people murdered by the government; 1964 Guatamala 100,000 migrant Indians murdered; 1970 Uganda - 300,000 Christians murdered by their government; if you think it can't happen here, remember Wounded Knee (i.e. 300 Dakota men, women and children murdered by the US Army after they were disarmed of their guns in 1890); gun control takes guns out of the hands of law abiding citizens - criminals don't obey laws and doesn't remove guns from criminals, but will empower them. In closing, she advised that she has a concealed weapon permit and prays that she never has to draw her weapon, but her life, or the lives of her children, grandchildren or a stranger is in danger, she prays that her right to carry arms hasn't been taken away.
- Dustin Dawson [and sons, Nathan and Isaac] (Madison) were present. He feels that our children need to understand that our forefathers didn't fight past battles for themselves, but for their children; encouraged the Board to do what's best for the citizens of Madison County; noted that our children may be the future members of the Board of Supervisors, Deputy or Sheriff of our locality; verbalized his love of this community and that this is where he wants to be and plans to stay.

- Steve Hoffman (Madison): Was present and noted that when turning on the television, one can see that our country has trouble with the first amendment, let alone the second amendment, but also with the fourth amendment (i.e. unreasonable search and seizure); noted that he has been a firearms instructor for thirty-four (34) years, has worked for the Game Commission and has had over 700 students involved in the Game Commission and has been instructing students for the Circuit Court Judge for many years; many of his students are in the room tonight and he was pleased to say that in all of the years he has taught, none of his students have ever gotten into any type of trouble with firearms; feels the citizens here are fortunate to live in a County where we have a 'gun friendly Sheriff and law enforcement personnel, which isn't the case everywhere; Madison County and its citizens are almost like being in a 'third world country', in that Northern Virginia, Charlottesville and Tidewater are much different; we recently had a successful 'write-in' candidate which is almost unheard of to the extent that the individual recently won the election; feels that "the Jackass" in Richmond that calls himself 'the Governor' has the majority in almost twenty-five (25) years - he warned the citizens that the individual will use his majority, tax the citizens of the State to the limit for everything that he possibly can, and will also attack the 'common sense' of gun control; what the Governor is doing will only get worse and will eventually involve taking all weapons - they will not quit (i.e. things will only get worse within the next couple of years), but he stated that 'he will not quit' either (concerning his right to bear arms); noted that he researches what candidates' gun control ideals are before he votes for them.
- Pete Elliott (Madison): Was present and thanked the Board of Supervisors for supporting tonight's resolution; noted that tonight's proposal means a lot to his business and the tax dollars generated within Madison County.
- Thomas Choo (NWTF): Was present and noted that he is proud to be a part of Madison (recently resided in New Jersey); accolades to the citizens for standing up to support the second amendment right; noted that the legislators are against guns, but not against common sense or protecting anything; criminals aren't going to stop carrying their guns; the request is the personal agenda of the legislation; advised that he was accidentally shot in his right hand during childhood, which wasn't the gun's fault, but the fault of human stupidity; noted that a gun is a tool and requires respect; our forefathers knew the importance of guns, which denotes the significance of the right to bear arms being the second amendment.
- J. D. Sharpe (Madison): Was present to thank the Board of Supervisors for their support; referred to the fact that his guns were taken away (while living in New Jersey) due to his ex-wife reporting threats, which led him to relocate in Madison County.
- Erik Weaver (Madison): Was present and noted that as the locally elected Sheriff, he has taken an oath to uphold the Constitution of the United States; the Madison County Sheriff's Office will **now** and in the future, protect the rights of the citizens of Madison County, to keep and bear arms; he thanked the Board of Supervisors for considering tonight's proposal.
- Gerry Stephenson (Madison): Was present and noted that the new senate majority leader in Virginia pre-filed SB 16 that denotes that 'any firearm that is capable of having a magazine of more than ten rounds will need to be destroyed; also noted that he recently assessed a 1906 Winchester that has a magazine that can accommodate several types of ammunition of more than ten rounds, which will need to be destroyed based on the aforementioned legislation being proposed; he questioned 'who will come get the weapon'; also semi-automatic pistols (capable of holding more than ten rounds) will need to be destroyed, as well as the 1911 colt (which could hold ten rounds if an extended magazine is installed) will also qualify for destruction, to include shotguns capable of holding more than seven rounds; gun dealers will also not be allowed to sell, buy, trade or transfer any type of assault weapon (ARM15, AK47, SKS, etc.); with the senate majority leader releasing this type of legislation and a Governor who is willing to sign it, coupled with the democrats being in control of both houses, he feels the citizens of American have something to worry about; feels approval of the resolution won't trump any law being passed by the senate but may offer the Sheriff the opportunity to choose his priorities in terms of what he'll enforce here.
- Nick McDowell (Madison): Was present and offered some clarification concerning: " Whereas, the Second Amendment of the Constitution of the United States reads: "A well-regulated Militia, being necessary to the

security of a free state, the right of the people to keep and bear arms, shall not be infringed'... is actually us....'we are the militia...the free citizens of the nation.....the ones who are called on during the time of emergencies....the first call; this is our amendment...our protection, and there is no margin for confusion on this clarification.

With no further comments being brought forth, the public comment session was closed.

Chairman Jackson opened the floor for comments from the Board of Supervisors.

- *Supervisor Weakley: Provided accolades to any Veterans and/or active duty military present tonight; noted that all armed forces have fought for the right to bear arms.*

Supervisor Hoffman moved that the Board approve Resolution #2019-19 [Right to Bear Arms], seconded by Supervisor Foster. ***Aye: Jackson, Foster, Weakley, Hoffman. Nay: McGhee.***

The Resolution reads as follows:

RESOLUTION OF THE BOARD OF SUPERVISORS
OF MADISON COUNTY, VIRGINIA
RESOLUTION #2019-19

WHEREAS, the Second Amendment of the Constitution of the United States reads: "A well-regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed;" and,

WHEREAS, Article 1, Section 13, of the Constitution of Virginia provides "that a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power;" and,

WHEREAS, certain legislation introduced in the Virginia General Assembly, and certain legislation introduced in the United States Congress could have the effect of infringing on the right of law-abiding citizens to keep and bear arms, as guaranteed by the Second Amendment of the United States Constitution; and,

WHEREAS, the Governor has stated that he intends to endorse and pass into law legislation that infringes on the Constitutional rights of Virginia's citizens; and,

WHEREAS, the Madison County Board of Supervisors is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Madison County to keep and bear arms or could begin a slippery slope of restrictions on the Second Amendment rights of the citizens of Madison County; and,

WHEREAS, the Madison County Board of Supervisors wishes to express its deep commitment to the rights of citizens of Madison County to keep and bear Arms as guaranteed by the Second and Fourteenth Amendments of the Constitution of the United States; and,

WHEREAS, the Madison County Board of Supervisors wishes to express opposition to any law that would unconstitutionally infringe the rights under the Second Amendment of the citizens of Madison County to bear arms; and,

WHEREAS, the Madison County Board of Supervisors wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitution of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the right of the citizens to keep and bear arms, including through legal action, the power appropriation of public funds, and the right to petition for redress of grievances, and the direction to the law enforcement and judiciary of Madison County to not enforce any unconstitutional law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, VIRGINIA:

That the Board of Supervisors hereby express its intent to uphold the Second Amendment rights of the citizens of Madison County, Virginia and its intent that public funds of the County not be used to restrict Second Amendment rights or to aid in the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of Madison County, Virginia to bear arms; and,

That the Board of Supervisors hereby declares its intent to oppose unconstitutional restrictions on the right to keep and bear arms through such legal means as may be expedient, including without limitation court action; and,

That the Board of Supervisors hereby declares Madison County, Virginia, as a "Second Amendment Sanctuary."

Public Comment

Chairman Jackson opened the floor for public comment. The following individual(s) provided comment(s):

- Carlton (Carty) Yowell: Publicly thanked the Graves' Family for the ribbon cutting ceremony held on Tuesday, November 19th at the new White Oak Canyon Bridge; the project involves removing/replacing culverts at the bridge; the bridge will provide safe access for visitors to the trails at White Oak Canyon (one of the most popular boundary access points for the Shenandoah National Park); the bridge will also provide approximately three miles of additional habitat for rural trout up Cedar Run; the project was a public/private partnership between the Shenandoah National Park, the Graves' Family, and the Piedmont Environmental Council, the Nimick Forbesway Foundation, and Ohrstrom Foundation; Madison County is known for its fly fishing, hiking, and the Graves' Family has provided an enormous service to this County.

- Gary Misch (Madison CATS): Read the following statement for the record:

26 November 2019

From: Madison Community Cats

To: Madison County Board of Supervisors

Subject: Animal Shelter Operations Manual (Draft) Dated 11/12/19

1. It was disappointing to see the new Animal Shelter Operations Manual (SOP) (Draft) on the county website without a call for public review. While the County and Commonwealth Attorneys provide necessary *legal* oversight, we believe it's critical to citizen confidence in the shelter and its personnel that the new operations manual, specifically its policies and procedures, are subject to citizen and local organization comment and review prior to final approval and promulgation.
2. The new SOP was published without reference to the old, making it difficult to understand the scope of the changes.
3. It is unclear who provided input to the document. Without public input, and public comment, shelter
4. Madison Community Cats (MAD Cats) heard nothing about changes at the shelter until the very low-key announcement of the publication of this SOP.
5. The Shelter Operations Manual contains a significant amount of information that is not germane to shelter operations, including matters of law and policy concerning animal control outside of the shelter. Rather than attempting to list that information here, we will provide two examples: "Crate Training" and "Pet Care Tips" are contained within the Forms Appendix, along with other data unrelated to forms (or shelter operation), and some data related to policy.
6. The designation of the shelter as a 'pound' is archaic and not in conformance with current practice.
7. The manual states that un-weaned orphans will be euthanized. This is not in conformance with current practice at most shelters. Most shelters maintain a list of people willing to bottle feed un-weaned orphans, where feasible.
8. MAD Cats is willing to discuss a revision of the current document and to assist in obtaining public comment prior to final review and promulgation.

Sincerely yours,
Laurie K. Counts
Gary L. Misch
Madison Community Cats

With no further public comments coming forth, the public comment opportunity was closed.

Special Appearances:

VDOT, Joel DeNunzio: Joel DeNunzio, Resident Engineer (Charlottesville VDOT Residency) was present to advise that he will leaving the Charlottesville Residency effective December 9'2019 to take another assignment within the agency. He introduced Allan Saunders who will be serving as the new Resident Engineer, as was formerly serving as the Resident Engineer at VDOT's Louisa Office. Contact information for Mr. Saunders will be forwarded onto the Board of Supervisors, County Administrator and Sheriff's Office for reference. In closing, he verbalized appreciation for having the opportunity to serve the citizens of Madison County.

- *Chairman Jackson: Thanked Mr. DeNunzio for the service he has provided to the County, and for addressing the Board's concerns in a most timely manner.*

Allan Saunders, VDOT Residency Engineer, noted that he is looking forward to serving the community and to learn about Madison

Constitutional Officers

County Departments

Planning Commission: Steven Carpenter, Commission member, was present and advised that the commission will have about ten (10) items to assess during the last meeting session; all appears to be going well at this time.

Rappahannock Electric Cooperative: Oliver Price, REC Representative, was present and advised that the co-op apologizes for all 'the blinking' (of lights) that has been transpiring lately; efforts are being initiated to remedy this issue.

Committees or Organizations

Finance

1. FY20 School Capital Original Budget Appropriation [Resolution #2019-18 (\$39,080): The Finance Director advised that the school system has requested a supplemental appropriation from the CIP budget in the amount of \$34,080.00 to cover the salary for the Clerk of the Works (for a monthly rate of \$4,260.00 for the period of November 2019 through June 2020) for the Madison Primary School Project. Resolution #2019-18 is being presented for review/approval by the Board. Supervisor Hoffman moved that the Board approve Resolution #2019-18 [To Appropriate the FY20 Madison County Capital Budget for November 2019) as presented, seconded by Supervisor McGhee.

Chairman Jackson: Advised that the Clerk of the Works has already started to add some value to the project by identifying some inefficiencies on the school renovation project; verbalized some skepticism, but feels there may be some overall savings in the long-run.

Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).

The Resolution reads as follows:

RESOLUTION # 2019-18

RESOLUTION TO APPROPRIATE THE FISCAL YEAR 2020 MADISON COUNTY CAPITAL BUDGET FOR NOVEMBER 2019

WHEREAS, on May 14, 2019 the Madison County Board of Supervisors adopted a Capital Budget for Madison County for Fiscal Year 2020 in the amount of \$5,575,682; and

WHEREAS, the Fiscal Year 2020 Adopted Capital Budget includes school operations and capital funding for the Madison County School Division equaling \$604,105; and

WHEREAS, the Board of Supervisors is required to appropriate for actual expenditure the adopted Fiscal Year 2020 budget; and

WHEREAS, 15.2-2506 and §21.1-94 of the Code of Virginia indicate that the Board of Supervisors may make annual, semiannual, quarterly or monthly appropriations for contemplated expenditures; and

WHEREAS, the Board of Supervisors desires to make a monthly appropriation for capital expenditures;

NOW, THEREFORE, BE IT RESOLVED on this 26th day of November, 2019, that the Madison County Board of Supervisors hereby appropriates the Fiscal Year 2020 Adopted Capital Budget for November 2019 in the amounts specified for each fund contained in said budget; with such appropriations summarized below:

General Operations \$ -

School Operations -

County Capital Projects Fund 34,080

School Capital Projects Fund - _____

Total Capital Appropriations \$ 34,080 2. FY20 Supplemental Appropriations

a. Supplemental #2019-13: County Administrator - Part Time Assistance \$10,021.56: The Finance Director advised that the supplemental appropriation request is for additional funds from contingency to pay for part-time administrative support for the County Administrator; some costs have also been incurred with a request for additional services totaling today's requested amount through February 2020 (i.e. budget, records management, animal shelter, etc.). Supervisor Foster moved that the Board approve supplemental appropriation FY20 #13, seconded by Supervisor Weakley. *Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).*

b. Supplemental #2019-14: Sheriff - Insurance Claim \$1,062.80: The Finance Director advised that the supplemental appropriation request is being sought to supplement the Sheriff's insurance for insurance claims (i.e. vehicle damage).

Supervisor McGhee moved that the Board approve supplemental appropriation #14, seconded by Supervisor Foster. *Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).*

c. Supplemental #2019-15: Health Insurance Contribution Adjustment for Certain Married Employees \$8,613.44: The Finance Director advised that the supplemental appropriation request is being sought to supplement the Registrar and Sheriff's budget for additional employer contributions for employees who have a spouse who works for the School Board who carries family health insurance coverage. She noted that the recent changes for healthcare applied to family coverage only, and that the changes initiated by the County now provides more favorable rates than what is being provided by the school system to its employees.

Supervisor Weakley moved that the Board approve supplemental appropriation #15, as presented, seconded by Supervisor Foster. *Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).*

d. Supplemental #2019-16: Sheriff - Leave Payout: The Finance Director advised that the supplemental appropriation request is being sought to supplement the Sheriff's budget for a leave payout in November 2019. Supervisor Weakley: Asked (the Sheriff) if the increase in healthcare (prior to the recent adjustment) resulted in the loss of law enforcement personnel.

The Sheriff noted that the individual did have concerns about the increase in healthcare costs; he also assumed a position in another locality that offered more compensation.

Supervisor McGhee moved that the Board approve supplemental appropriation FY20 #16, seconded by Supervisor Foster. *Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).*

e. Supplement #2019-17: VDEM RAPP Grant \$3,500.00: The Finance Director advised that the supplemental appropriation request is to appropriate the VDEM REPP funding received; this funding will be used to purchase mobile emergency communications system to be installed in the county vehicle assigned to the Director of Emergency Communications.

Brian Gordon, Director of Emergency Communications, was present and noted that it's critical to have the equipment being

discussed.

Supervisor Foster moved that the Board approve supplemental appropriation FY20 #17, seconded by Supervisor Weakley.
Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).

3. Status Report on Laptop and Desktop Computer Replacement: The Finance Director provided the following update on the desktop replacement initiative:

- (52) new computers are being ordered from Dell (due to favorable pricing being attained)
- Laptops have been ordered for EMS personnel
- Sixty to eighty percent (60%-80%) of all computers in the County are in need of upgrades to Windows 10, but there were concerns about the amount of downtime that may be involved
- Recommendations from the consultant included the goal to: a) maximize equipment uptime by being proactive; b) standardize systems throughout the County
- A five-year warranty was attained which includes 'next day service'
- Orange County currently has an agreement in place that will allow Madison to enter into a cooperative procurement (for a total cost of \$26,000.00)
- Anticipates that a supplemental appropriation will be needed to cover some aspects of the desktop replacement process.

➤ *Supervisor Weakley: Asked for clarification that no action will be needed (i.e. procurement process isn't fully in place)*

The Finance Director noted that Dell has requested that the order be placed today due to the time frame involved; final numbers aren't yet in place. Most of the project will be funded through a previous request (to the Board on June 26'2019) to assign \$50,000.00 of fund balance.

➤ *Supervisor Weakley: Questioned the scope of current IT services the County already has (in place with ANS and/or CEM Computers [Charles Moncrief]).*

To which the Finance Director explained that current services aren't assigned to individual devices utilized within the County; she noted that the County will continue to utilize services from ANS and CEM Computers (Charles Moncrief), but the ThinkIT consultant recommended that the County initiate a separate procurement process for the hardware and labor. The labor part of the proposed project is being researched; however, Mr. Moncrief has advised that he will be unable to accommodate the County and will not bid on the labor portion of the work. Final procurement should be in place with ANS by mid next week.

IT Position: The Finance Director noted that eight (8) applications have been received for the IT vacancy; interviews will be held on December 5'2019.

Lisa Davis: Asked for clarification regarding the financing mechanism for the desktop replacement project.

The Finance Director explained that assigned funds (within the County's budget) is in place when the project was previously approved; these funds will call for a supplemental appropriation to be approved in order for these funds to be utilized to cover the purchase. All protocols have been followed for the aforementioned purchase.

Minutes:

4. November 12, 2019 Meeting (#41): Chairman Jackson called for corrections, deletions and/or approval of the

minutes.

Supervisor Hoffman moved that the Board approve the minutes of November 12'2019 (#41) as presented, seconded by Supervisor Hoffman. *Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).*

Old Business

5. Consideration: Financial Advisor Contract (Hobbs): The County Administrator advised that the Board will need assess/approve the contract proposal with Davenport & Company, Inc., the Board was advised that the County reviewed two (2) proposals, and selected Davenport & Company, Inc., to perform the financial advisory work for the County. The contract establishes that the firm will review the County's financial situation; prepare five-year projections; and integrate these projections into the upcoming budget process to develop a future forecast for projects. In closing, he noted that the contract doesn't contain specifics pertaining to the different borrowing alternatives, as the Board directed that the aforementioned ideal be considered on a case by case and/or hourly basis; proposed contract value cost is NTE \$14,500.00.

Carty Yowell, Board elect, was present and advised that it was determined that the County would commit to a financial plan due to the fact that a five-year financial plan forecast would provide the County with an overall plan.

The overall project proposal lays all specifics and very detailed information about the proposed financial plan that will be provided and established for the County. The County will contract with the firm to provide ten (10) hours of work per month.

The Finance Director asked if a contract will need to be signed on December 18, 2019 for the radio equipment; she noted that financing options will be discussed along with specific termed financial alternatives. In closing, she also noted that it may be necessary to reserve a significant amount of fund balance to fund any remaining contingency items.

Supervisor Hoffman moved that the Board authorize the proposed contract with Davenport & Company, LLC for financial advisory services with a value not to exceed \$14,500.00, seconded by Supervisor Foster.

➤ *Supervisor Weakley: Recused himself due to having done prior business with Davenport & Company, LLC.*

Aye: Jackson, Foster, McGhee, Hoffman. Nay: (0). Abstain: Weakley.

6. Consideration: Background Check Ordinance (Hobbs): The County Administrator advised that a public hearing was held in October concerning the proposed ordinance to require that a criminal background check be adopted for certain County positions. The proposal will call for background checks to cost \$27.00 per request, and will also involve fingerprinting (by the local Sheriff's Office), and establish the account with the Virginia State Police. The ordinance will need to be adopted before the Sheriff's Office can establish an account with the Virginia State Police. In closing, he noted that the proposed process will provide a quicker turnaround time than what is currently being utilized by the County.

Supervisor McGhee moved that the Board approve Ordinance ID #2019-14 [Employee Background Check Ordinance] that would require all new County employees to be investigated through the Virginia State Police's Central Criminal Records Exchange Program, effective on January 1'2020, seconded by Supervisor Foster. *Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).*

The Ordinance reads as follows:

**ORDINANCE TO REQUIRE A CRIMINAL HISTORY INVESTIGATION FOR CERTAIN MADISON COUNTY
EMPLOYMENT APPLICANTS
ORDINANCE #2019-14**

WHEREAS, the County's personnel consultant has recommended the adoption of a criminal background check ordinance, and

WHEREAS § 15.2-1505.1 of the Code of Virginia indicates that a locality may by ordinance, and in accordance with § 19.2-389 of the Code of Virginia, require applicants upon offer of employment with the locality to submit to fingerprinting and to provide personal descriptive information.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, as follows:

1. Review of criminal history record information of applicants for county employment.

- a. The county administrator or his designee shall, in the interest of public welfare and safety, conduct investigations of all applicants to whom a conditional offer of employment is made to determine if the past criminal conduct of an applicant with a conviction record would be compatible with the nature of the employment under consideration, in accordance with Virginia Code § 15.2-1505.1, as amended.
- b. Except as set forth in (c) below, the county administrator or his designee shall require such applicants to submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the central criminal records exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information.
- c. Applicants for the position of officer of election with the county's office of the general registrar shall not be required to submit to fingerprinting but shall be required to provide personal descriptive information to be forwarded through the central criminal records exchange for the purpose of obtaining criminal history record information.
- d. Criminal history record information shall be confidential.
- e. If an applicant is denied employment because of information appearing in his criminal history record, the county administrator or designee shall notify the applicant that information obtained from the central criminal records exchange contributed to such denial.

2. This Ordinance shall be effective upon adoption, and effective January 1' 2020.

7. Discussion: FY21 Budget Process Timetable (Hobbs): The County Administrator provided a timetable for the FY21 budget process as framework for the upcoming budgetary process. He suggested the Board review the proposed timetable and consider adoption at the December 10, 2019 meeting session so budget request letters can be sent out shortly thereafter.

Madison County FY20-21 Budget Development Schedule

Draft 21-Nov-19

12/10/2019	Regular Board meeting		Budget Calendar Approved	Tuesday
12/11/2019	Issue Budget Request Instructions		Include a "save the date" notice for request presentations	Wednesday
1/6/2020	"Outside Agency" Budget Requests Due			Monday
1/16/2020	Departmental Budget Requests Due			Thursday
1/16/2020	Work Session #1	2:00 – 6:00 p.m.	Review FY19 CAFR, FY20 YTD performance Refine FY21 budget timetable Status of 5-year forecast Review FY21 Priority Issues, Goals & Strategy	Thursday
1/23/2020	Work Session #2	2:00 – 6:00 p.m.	Outside Agency Presentations	Thursday
1/30/2020	Work Session #3	2:00 – 6:00 p.m.	Departmental Presentations	Thursday
2/6/2020	Work Session #4	2:00 – 6:00 p.m.	Departmental & Outside Agency Presentations	Thursday
2/13/2020	Work Session #5	2:00 – 6:00 p.m.	Review of major CIP projects and upcoming capital needs 5-year forecast	Thursday
2/20/2020	Work Session #6	2:00 – 6:00 p.m.	Revenue Estimates & Other Outstanding Issues	Thursday
2/27/2020	Work Session #7	2:00 – 6:00 p.m.	(May not be needed)	Thursday
3/5/2020	Work Session #8	2:00 – 6:00 p.m.	School budget; Discussion on then-current status	Thursday
3/12/2020	Work Session #9	2:00 – 6:00 p.m.	Complete balanced budget proposal presented/verified Budget Public hearing authorized	Thursday
3/16/2020	School Board Budget Adoption Meeting	6:30 p.m.	School board approves its budget request (anticipated)	Monday
4/14/2020	Public Hearing on Full Budget Proposal	7:00 p.m. (after the regular meeting)		Tuesday
4/15/2020	Relay status of any tax rate changes to Commissioner of the Revenue and Treasurer for billing purposes.			Wednesday
4/21/2020	BoS Approves the Budget	Regular Meeting		Tuesday
5/1/2020	Deadline for BoS to approve school budget (or 30 days after receipt of estimates of state funds if later)			Friday
6/23/2020	Budget Appropriation	Regular Meeting		Tuesday

Usual and customary late items:

VRS Rates

Health Insurance rates

Employee Raises

VACORP/LODA rates

State Budget Info

Comp Board Figures

School Board Budget Request

Contingency Funding

CIP Project Decisions

The County Administrator referred to the fact that the budget notebooks that have been prepared for the Board in the past require a great deal of work; therefore, he suggested that the Board consider moving to using an electronic version or a shared drive for the upcoming budget process, which will save much time during a very busy time.

- *Chairman Jackson: Advised that (in his opinion) some of the documents can be prepared in an electronic format; however, he suggested that anything pertaining to budget worksheets could be provided in the usual paper format.*

After discussion, it was the consensus of the Board to review the budget timetable as presented and adopt the proposal at the December 10, 2019 meeting process.

8. Discussion: Personnel Classification and Compensation Plan (Hobbs): The County Administrator advised that comments are still being received on the personnel classification and compensation plan. Some requests have been provided today for review; however, it's felt that more comments will be forthcoming.

After discussion, it was noted that additional updates will be provided. All Board members were reminded to read the proposed personnel policy.

9. Discussion: Upcoming Board Meetings (Hobbs):

- December 4th - 7:00 p.m.: Joint Meeting
- December 7th - 7:00 a.m.: Board Retreat (714 Yager Mountain Road)
- December 10th - 4:00 p.m.: Regular Meeting
- December 26th - 6:00 p.m.: Regular Meeting (tentatively cancelled)
- January 2nd - 9:00 a.m.: Organizational Meeting
- January 2nd - 7:00 p.m.: Joint Meeting

The County Administrator referred to a series of upcoming meetings for the Board during the month of December 2019 and January 2020. The Board will need to authorize the publication of the special meeting on the radio system equipment slated for December 18' 2019. It was questioned if there were any concerns about the retreat scheduled for December 7' 2019.

- *Supervisor Foster: Noted that much is happening in December; questioned if the cost to have a facilitator will be worthwhile overall.*
- *Chairman Jackson: Questioned the credentials on Dr. Stephanie Davis, Facilitator and whether this type of service will be an asset.*

The County Administrator provided input on Dr. Davis' credentials and the fact that she runs a center for local government at Virginia Tech.

- *Supervisor Hoffman: Questioned if the Board needs a facilitator; the Board already knows what needs to be done; verbalized concerns as to whether time will be 'wasted.'*
- *Supervisor McGhee: Noted that although he isn't in favor of 'wasting time' retreating without a facilitator in place; advised that a good facilitator can sometimes be an asset.*

The County Administrator noted that the idea of a retreat will allow the Board to get out of the 'comfort zone' and having a facilitator in place that isn't a county employee will not have any bias to the County; the event will be a Board exercise and will be carried through by someone who has no outside ties to the County overall.

- *Supervisor Weakley: Noted that the process may allow for the development of strategic planning and setting goals for the future.*
- *Carlton Yowell, Board Member Elect, was present and noted that the retreat will be advantageous for him and will allow him to assess the opinions of other members; he noted that he did speak with Ms. Davis at the recent VACo session and she's relatively knowledgeable about various issues.*
- *Supervisor Weakley: Suggested that capital planning be added to the budget timetable document.*

After discussion, the members committed to attend the upcoming retreat session scheduled for Saturday, December 7' 2019 at

7:00 a.m. The Board also consented to have the advertisement published for the public hearing on the radio system equipment at 6:00 p.m. on December 18' 2019, which will be one hour before the Commission's workshop session. Representatives from Motorola and Kleer Communications will be present to provide information. The Board will be encouraged to move forward with the purchase of the radio system equipment.

- *Chairman Jackson: Verbalized accolades to Brian Gordon, Director of Emergency Communications, on the amount of time and effort he has contributed to the proposed radio system project.*

10. Animal Control & Shelter Policy (Cave): Greg Cave, ACO, was present to provide input on the proposed policy for the Madison Animal Shelter. He noted that the main goal is to update policies/procedures to be utilized at the facility, based on suggestions brought forth following the recent review. Proposed protocol will focus on:

The control of any infectious disease

Provide day-to-day detail on each animal brought into the facility

The County Administrator noted that the proposed policy has also been posted to the website and forwarded to the Board for review. Anyone with comments is welcome to submit them in writing. No public hearing is required and no approval on the part of the Board is required at this time. The current adopted ordinance (by the Board of Supervisors) will remain intact unless otherwise noted. The medical part of the proposal can be tweaked, if deemed necessary by the Veterinarian.

Additional items discussed focused on:

- Legal expenses (as a result of the recent investigation)
- A meeting has been requested by Dr. Reinhold Phaff for next week
- Moving the shelter and animal control (under the Sheriff's Office) into two (2) separate departments within the County's budget
- Developing better operating procedures at the shelter

- *Chairman Jackson: Noted that the proposed policy denotes specific protocols that will make operations at the shelter more efficient; he reiterated that the recent investigation was constructive.*

Mr. Cave noted that it will take some time for operations to fall in line with the guidelines noted in today's policy. He also noted that serving as the Shelter Manager and ACO does present a conflict; noted that based on protocol being required by the State, the shelter is supposed to operate like a veterinarian's office and document everything on every animal that is at the shelter.

- Pete Elliott: Thanked the individual in the community that took the initiative to return his grandson's dog back home.
- *Supervisor Weakley: Verbalized accolades to Greg Cave; also noted that state inspections have been excellent over the years; agreed to the suggestion that the ACO and shelter operations should be separate, which is something that will need to be discussed with the Sheriff.*
- Lisa Davis: Advised that she is sensitive to cats and helps to catch stray cats; she asked if there is something that she can do provide assistance to the Shelter.

Mr. Cave noted that he's trying to work with outside rescue groups/agencies that are in/out of State and advised that the shelter would be willing to discuss the T&R program.

The County Administrator verbalized accolades to Greg Cave for how he has stood firm, done a good job, and represented

the county very well during the recent investigation at the shelter facility; he is a prime example of what the County should look for in its employees.

The Board also verbalized accolades to Mr. Cave for all that he does for the County.

New Business

Information/Correspondence

Skyline CAP: Supervisor Weakley: Advised that Mr. Work has agreed to continue serving on the Skyline CAP Board.

Public Comment

Closed Session

Adjourn

Closed Session (2.2-3711[A][3] & 2.2-3711[A][1])

On motion of Supervisor Foster, seconded by Supervisor McGhee, the Board convened in a closed session pursuant to:

- a) Virginia Code Section 2.2-3711(A)(3) for discussion on the disposition of the Criglersville Elementary School property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board of Supervisors;
- b) Virginia Code Section 2.2-3711(A)(3) for discussion or consideration of the acquisition of the Moore Building where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the Board of Supervisors; and
- c) 2.2-3711(A)(1) for discussion on the performance of the County Administrator and County Attorney. *Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).*

Chairman Jackson called for a five (5) minute recess.

Supervisor Foster moved that the Board re-convene in open session, seconded by Supervisor Hoffman. *Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).*

Supervisor Foster moved to certify that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A)(1) and 2.2-3711(A)(3) and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, seconded by Supervisor Weakley. *Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).*

As a result of closed session:

Supervisor Hoffman moved to authorize the renewal of County Attorney, Sean Gregg's contract, seconded by Supervisor Foster. *Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).*

Adjourn

With no further action being required, Supervisor Weakley moved that the meeting be adjourned, seconded by Supervisor Foster. *Aye: Jackson, Foster, Weakley, McGhee, Hoffman. Nay: (0).*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Copies: Board of supervisors, County Attorney & Constitutional Officers

Adopted on:

Adopted Items:

Resolution #2019-18 [Appropriate the FY20 Madison County Capital Budget for November 2019]

Resolution #2019-19 [Right to Bear Arms]

Ordinance ID #2019-14 [To Require a Criminal History Investigation for Certain Madison County Employment Applicants]



Agenda

Regular Meeting

Madison County Board of Supervisors

Tuesday, November 26, 2019 at 6:00 p.m.

County Administration Building, Auditorium

414 N Main Street, Madison, Virginia 22727

Call to Order, Pledge of Allegiance & Moment of Silence Determine Presence of a Quorum / Adopt Agenda

Second Amendment Resolution (#2019-19 - [Right to Bear Arms])

Public Comment

Special Appearances

a. VDOT - Joel DeNunzio, Residency Engineer

Constitutional Officers

County Departments

Committees and Organizations

Finance

1. FY20 School Capital Original Budget Appropriation Resolution #2019-18
2. FY20 Supplemental Appropriations
 - a. Supplement #2019-13: County Administrator Part Time Assistant
 - b. Supplement #2019-14: Sheriff's Insurance Claim
 - c. Supplement #2019-15: Health Insurance Contribution Adjustment for Certain Married Employees
 - d. Supplement #2019-16: Sheriff's Leave Payout
 - e. Supplement #2019-17: VDEM RAPP Grant
3. Status Report on Laptop and Desktop Computer Replacement

Minutes

4. November 12'2019 Meeting (#41)

Old Business

5. Consideration: Financial Advisor Contract (Hobbs)
6. Consideration: Background Check Ordinance [ID #2018-1] (Hobbs)

7. Discussion: FY 21 Budget Process Timetable (Hobbs)
8. Discussion: Personnel Classification and Compensation Plan (Hobbs)
9. Discussion: Upcoming Board Meetings (Hobbs)
 - December 4th @ 7:00 p.m.: Joint Meeting
 - December 7th @ 7:00 a.m.: Board Retreat (714 Yager Mountain Road)
 - December 10th @ 4:00 p.m.: Regular Meeting
 - December 18th @ 6:00 p.m.: Special Meeting on Public Safety Radio System (Tentative)
 - December 26th @ 6:00 p.m.: Regular Meeting (tentatively cancelled)
 - January 2nd @ 9:00 a.m.: Organizational Meeting
 - January 2nd @ 7:00 p.m.: Joint Meeting

10. Animal Shelter Policy & Procedures (Cave)

New Business

Information/Correspondence

Public Comment

Closed Session: 2.2-3711(A)(1) & 2.2-3711(A)(3)

Adjourn

AMENDMENTS NOTED IN ROYAL BLUE WITH YELLOW HIGHLIGHT